

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§
	§
	§ No. 1:17-CR-00151
v.	§ (Judge Marcia Crone)
	§
MOHAMED IBRAHIM AHMED	§
a.k.a. "Talha", "Mohammed El Eritri",	§
"Abu Zakaria"	§

**REQUEST FOR JUDICIAL NOTICE OF
DESIGNATION OF FOREIGN TERRORIST ORGANIZATION**

COMES NOW the United States and asks that this Honorable Court take judicial notice of the fact that the group known as the Islamic State of Iraq and the Levant, also known as the Islamic State of Iraq and al-Sham and the Islamic State in Iraq and Syria (hereinafter "ISIS"), is a designated foreign terrorist organization.

Federal Rule of Evidence 201(b)(1) allows a Court to take judicial notice of adjudicative facts when those facts "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(1). Federal courts are required to judicially notice items published in the Federal Register. *See* 44 U.S.C. § 1507 ("The contents of the Federal Register shall be judicially noticed ...").

Count One of the Indictment charges Mohamed Ibrahim Ahmed with attempting to provide material support and resources to a foreign terrorist organization, to-wit ISIS, in violation of 18 U.S.C. § 2339B. In order to prove this

count, the government is required to establish that ISIS was a designated foreign terrorist organization at the time of the relevant conduct.

Pursuant to Section 219 of the Immigration and Nationality Act, as amended under the Antiterrorism and Effective Death Penalty Act of 1999 (P.L. 104-132), the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, may designate an organization as a foreign terrorist organization if it is determined that: “(A) the organization is a foreign terrorist organization; (B) the organization engages in terrorist activity ... and (c) the terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States.” 8 U.S.C. §§ 1189(a)(1), 1189(d)(4).

In 2004, the United States Secretary of State designated an organization called Jam’at al Tawhid wa’al-Jihad (among other names), as a foreign terrorist organization under Section 219 of the Immigration and Nationality Act. *See* 69 Fed. Reg. 61292 (Sept. 27, 2004) (Attachment A). The designation was amended in December 2004 to add several aliases, including the name al-Qaida in Iraq. *See* 69 Fed. Reg. 75587 (Dec. 15, 2004) (Attachment B). In 2012, the Secretary determined the designation of al-Qaida in Iraq should be maintained, and added the alias Islamic State of Iraq. *See* 77 Fed. Reg. 4082 (Jan. 11, 2012) (Attachment C). The Secretary amended the designation in 2014 to add several aliases including the Islamic State of Iraq and the Levant, the Islamic State of Iraq and al-Sham, and the Islamic State of Iraq and Syria. *See* 79 Fed. Reg. 27972 (May 7, 2014) (Attachment D). In 2015, the Secretary amended the designation to add the following aliases: Islamic State, ISIL, and ISIS.

See 80 Fed. Reg. 58804-05 (Sept. 21, 2015) (Attachment E). ISIS remains a designated foreign terrorist organization.

Accordingly, pursuant to 44 U.S.C. § 1507 and Federal Rule of Evidence 201, the government respectfully requests that the Court take judicial notice of the fact that ISIS was a designated foreign terrorist organization as published in the Federal Register at all times relevant to the Indictment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and a notification of such filing will be sent to all counsel of record.

/s/ Christopher Tortorice
CHRISTOPHER TORTORICE